

REMARK

Status of the Claims

Upon entry of the foregoing amendments, claims 1-6, 8, 11-15 are pending in the application.

Claims 7, 9 and 10 are sought to be canceled because they contain non-elected subject matter. Applicants reserve the right to file one or more timely divisional applications directed to the non-elected subject matter.

Election/Restriction/Improper Markush group

Responsive to the Examiner's restriction requirement, applicants confirm the election of Group III, without traverse.

Claims 1-5 and 8-13 were rejected under judicial doctrine as drawn to improper Markush grouping. Applicants believe the forgoing amendments (deleting non-elected subject matter) have overcome this rejection. As such, withdrawal of the rejection under the ground is respectfully requested.

Information Disclosure Statement

The Examiner requests a copy of FR 2 500 450. The reference is enclosed with this response.

Oath/Declaration

The Examiner stated that the oath or declaration is defective because of the order of the inventors originally set forth in the inventor information sheet does not match the order of the inventors set forth in the declaration. The Examiner cited MPEP 605.04 (f).

Applicants submit that MPEP 605.04 (f) simply states that the order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration. MPEP 605.04 (f) does not indicate that an oath/declaration is defective if two orders do not match each other. Therefore, applicants believe the original oath/declaration should be accepted. Applicants believe that there are no rules requiring the order of the inventors set forth in the inventor information sheet should be the same as the order of the inventors set forth in the declaration. MPEP is merely a USPTO's procedure

document for the examiners. As such, withdrawal of the requirement to submit a new oath/declaration is respectfully requested.

Claim Objections

Claim 1 was objected to because of the typographical errors. The forgoing amendments have corrected these errors.

Claim 6 was objected to as being dependent upon a rejected base claim. Since the forgoing amendments have deleted non-elected subject matter, the objection has been overcome.

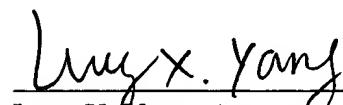
U.S. Patent No. 5,981,528

U.S. Patent No. 5,981,528 is acknowledged. Applicants thank the Examiner for bringing it to applicants' attention.

Conclusion

Applicants believe that the stated ground of rejection has been properly traversed, accommodated, or rendered moot and claims 1-6, 8, and 11-15 are in condition for allowance. If the Examiner believes that personal communications will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at the number provided.

Respectfully submitted,



Lucy X. Yang, Attorney
Registration No. 40,259

Date: 10 - 3 - 2000

Pharmacia & Upjohn Company
Global Intellectual Property
301 Henrietta Street
Kalamazoo, Michigan 49001

Telephone No. (616) 833-9536 or (616) 833-9500
Telefax No. (616) 833-8897 or (616) 833-2316